

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CONSOLIDATED UNDER  
CASE NO. 05-10155 PBS**

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YISEL DEAN, et. al.,

Plaintiff,

v.

RAYTHEON COMPANY, et al.,

Defendants.

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Case No.: 05 CV 10155 PBS

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LISA A. WEILER, et. al.,

Plaintiff,

v.

RAYTHEON COMPANY, et al.,

Defendants.

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Case No.: 05 CV 10364 PBS

**MOTION IN OPPOSITION TO DEFENDANTS REQUEST TO STRIKE  
PLAINTIFF'S EXPERT AS ALREADY ASSENTED TO AND IN OPPOSITION  
FOR REIMBURSEMENT COSTS AND EXPENSES**

NOW COME Plaintiffs, Yisel Dean and Lisa Weiler, and as previously assented to with defendants, agree to strike plaintiff's designated expert Todd Michael Peterson/3Plains Corporation. In support of this motion, plaintiffs state that by mutual agreement between the parties, the above referenced expert would be stricken as an expert witness for the plaintiffs. In particular, on October 11, 2006, plaintiffs conferred

with defense counsel Mike Jones at the deposition of Mike Conway and assented to the fact that Mr. Peterson would be stricken as plaintiff's expert witness. Therefore, plaintiffs are puzzled as to why defendants have filed this motion as it does not comport with the facts and is a waste of this court's time in pursuing such an order.

Furthermore, plaintiffs oppose defendant's additional Order requesting reimbursement of costs and expenses incurred by having to cancel the scheduled deposition of Mr. Peterson and for attorney's fees and costs in bringing their motion. In support of this opposition, plaintiffs again state that there was a mutual agreement between the parties to cancel the deposition of Mr. Peterson and again state that the motion does not comport with the facts.

**WHEREFORE**, the plaintiffs, Yisel Dean and Lisa Weiler, respectfully inform the court that the motion to strike plaintiff's expert Todd Peterson is unnecessary as in accordance with local rule 7.1, plaintiffs have already assented to strike the above referenced expert witness. Therefore, plaintiffs respectfully request this court **DENY** defendants motion to strike Todd Michael Peterson 3/plains Corporation as plaintiff's expert. Furthermore, plaintiffs respectfully request the court **DENY** defendants additional order requesting reimbursement of costs and expenses suffered as a result of having to cancel and reschedule the deposition of Mr. Peterson including the flight cancellation and related expenses together with the costs of attorney's fees incurred in filing their motion.

Respectfully Submitted,

By: /s/ Mary Schiavo  
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Dated: November 14, 2006

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**CERTIFICATE OF SERVICE**

I, Mary Schiavo, hereby certify that a true and correct copy of this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 14, 2006.

/s/ Mary Schiavo

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

I, Mary Schiavo, counsel for the plaintiffs, hereby certify that defense counsel, Mike Jones, agreed with plaintiff's counsel in this matter about striking plaintiff's expert

witness Mr. Peterson, and in a good faith attempt resolved the above disputed matter that is before this court, in accordance with local rule 7.1.

/s/ Mary Schiavo

Date: November 14, 2006